

REMARKS

Reconsideration of the rejections set forth in the Office Action of May 5, 1994, is respectfully requested.

The courtesy of Examiner Layno in affording the inventor and the undersigned a personal interview on Tuesday, August 16, 1994, is appreciated. At that interview, the cited art, and particularly the Tri-Cards and Scheyer Patent No. 3,868,283 were discussed, and a sample of the Tri-Cards were shown to and discussed with the Examiner. Other art, including Ford Patent No. 2,443,234, was discussed with the Examiner as were the changes to the specification and claims, and new claims. A marked-up copy ("red-lined") of the revised specification was left with the Examiner so that he could readily see the proposed changes in the substitute specification.

Several changes to the claims were discussed with the Examiner. Although no final agreement was reached, the Examiner indicated that the changes discussed and made herein appeared to overcome the prior art.

In the Specification:

It is requested that the enclosed substitute specification be accepted. The same has been amended to correct

several typographical errors, to use consistent language where there were several inconsistencies before, and to change the order of some of the descriptive material (move it from the "Introduction" to the "Detailed Description" section for better clarity). It is respectfully submitted that no new matter has been added.

More particularly, a copy of the substitute specification was provided to the Examiner during the interview and which was amended in the traditional manner of amending claims; namely, deleted material was bracketed and added material was underlined, so the Examiner could readily see the changes. The changes made in the substitute specification to original pages 2, 3, 4, 5, 6, 8, 12, 14 and 15 and the Abstract were made to correct typographical and grammatical errors, and to provide consistency in language with other portions of the specification or claims.

A final change merely moved the objects and Brief Description of the drawings from original pages 9-11 back to original page 3. This was done because the descriptive material beginning at the bottom of page 6 more logically fits a discussion of the detailed description since it gets into the details of embodiments of the present invention rather than a background discussion.

Amendments to the Claims:

A number of claims have been amended, including for the purpose of clarifying the language and correcting several improper or lacking antecedents. New Claims 10-18 have been added. Amendments discussed at the interview have been made -- specifically, the phrase "and forming a profile edge substantially all of which is" was added to Claims 1, 12 and 15. It is desirable, in creating the three-dimensional effect that the edge be bonded substantially, all around to the first surface of the card.

Claim 2 has been amended to clarify its language. New Claim 10 is dependent Claim 9 rewritten in independent form but slightly modified to improve its language ("picture" to -- photograph --, and "identical to -- coincidental --). New dependent Claim 11, which depends from new Claim 10, is similar to original Claim 8.

Independent Claim 12 is similar to amended Claim 1, but further recites that the foreground picture and its substrate have a thickness within a range of ten to sixty thousands of an inch which is consistent with the exemplary embodiment as described and noted in particular page 4, lines 16-17 and page

12, lines 20-21. Dependent Claims 13 and 14 are similar to Claims 2 and 3.

New Claim 15 is similar to new Claim 12, but relates to a card with the foreground picture being of a "person or scene" as described at page 17, line 7 of the Specification. Dependent Claim 16 is similar to Claim 2. Claim 17 is similar to Claim 4 but is dependent on Claim 12.

New Claim 18 is directed to a combination of a card of the trading card type and a pad of the nature shown in Fig. 5 and as described in the paragraph beginning at the bottom of page 16 and continuing on to page 17. It is recognized that the subject matter of this claim, which is to a combination of plural cards, a pad with slots and at least one coded information reader for reading information from a card, is somewhat different from the subject matter of the present claims and that the Examiner may consider that restriction is proper. If this is the conclusion of the Examiner, this new Claim 18 can be considered to be the non-elected one with prosecution of this application to continue with regard to Claims 1 through 6 and 9 through 17, and with Applicant reserving the right to file a divisional application with regard to the subject matter of Claim 18. This statement

with regard to restriction is made in order to expedite and simplify the prosecution of this application.

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#### The Office Action

Turning now to the rejection of Claims 1-4 and 7 under Section 102(b) as being anticipated by the Tri-Cards, it is respectfully submitted that independent Claim 1 as originally filed and particularly as presently amended defines patentable subject matter over that product as well as the newspaper description thereof. Claim 1 was originally drafted with the Tri-Cards in mind, and specifically requires the second substrate with the foreground picture to be bonded directly to the first surface of the card which has the background picture, but only slightly spaced by the second substrate from the background picture. The claim was further amended as a result of the interview to provide that substantially all of the profile edge is so bonded directly to the first surface of the card.

In sharp contrast, the Tri-Cards comprise, first, a conventional trading card with a composite picture (e.g., baseball player on a background), second, a foreground picture of the person spaced and offset sideways from a like picture on the

card, and, finally a second like foreground picture of the person spaced even further out and offset sideways. The structure appears to be similar to that shown in Scheyer Patent No. 3,868,283. Not only is the structure defined in Claim 1 different from that of the Tri-Cards and Scheyer, but also the structure as defined allows the "shadow" effect defined in Claim 1 to provide a three-dimensional effect. There does not appear to be any like or similar shadow effect with the Tri-Cards, nor could there be with the substantially spaced second and third foreground pictures. Further, there is no teaching whatsoever of the subject matter of dependent Claim 2 wherein the foreground picture and its substrate is not only bonded directly over but is "aligned with" a picture of a person in the background picture which is substantially identical to the foreground picture. Claims 3 and 4 add other distinctions.

Accordingly, it is respectfully submitted that Claim 1 and its dependent Claims 2-4 define patentably distinct subject matter over the Tri-Cards and Scheyer patent. Likewise, rejected Claim 6 which is dependent on Claim 1 is believed to define patentable subject matter.

Claim 5 has been amended to redefine the display pad as having transverse slots into which the cards "can be placed for

substantially vertical display." The slots also have an orientation related to player's position on the sport field. The Wagner patent merely shows a placemat wherein an array of clear plastic film pockets are provided to accommodate cards inserted into the pockets. With this arrangement, the cards lie flat on the placemat and, further, they are not disposed in slots such that the cards are placed for substantially vertical display, nor do they have an orientation related to player's positions on the sport field. Accordingly, it is respectfully submitted that Claim 5 is amended defines patentably over these references.

Claims 7 and 8 have been cancelled and, thus, the rejection of these claims will not be discussed. Applicant reserves the right to pursue the subject matter of either or both of these claims in a continuation or divisional application and at which time any rejection will be addressed.

With regard to the rejection of Claims 1 through 4 over Tri-Cards in view of Scheyer, it is respectfully submitted that the Scheyer patent adds nothing of significance to the Tri-Cards or vice versa. Both only teach the idea of plural foreground images substantially spaced from each other and spaced from a trading card or other underlying background or photograph. Neither teaches adhering the foreground picture and substrate "directly

to" the first surface of the sheet containing the background, and only being slightly spaced by the substrate from the background. Furthermore, neither teaches the alignment of the foreground picture as defined in Claim 2.

The enclosed Ford Patent No. 2,443,234 recently came to Applicant's attention in connection with a patent search pertaining to a foldable frame device for trading cards. A copy was left with and discussed with the Examiner at the interview. This patent is submitted for the Examiner's information because it shows a photograph arranged on a neutral panel and a structure wherein the photograph and its backing sheet can fit within a cavity to provide for compact and safe storage of the photograph. There is no disclosure of the structure of any of the present claims nor a structure to provide an effect like that of the present invention.

In view of the foregoing, it is respectfully submitted that the present claims define patentable subject matter and a notice of allowance is solicited. The Examiner is encouraged to

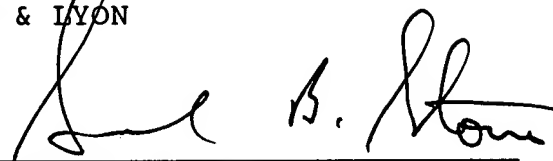


telephone the undersigned at 714/751-6606 in the event there are any other matters that can be handled by telephone.

Respectfully submitted,

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